

Chemicals

October 2009

Discussions on chemicals are more relevant than ever with important and recent developments on both sides of the Atlantic, e.g., the EU Registration, Evaluation, Authorization and restriction of Chemicals (REACH) program transitioning into its registration phase, announcements of principles for reform of the U.S. Toxic Substance Control Act (TSCA) and enhancements to chemicals management in the U.S. Bilateral efforts in this area through the existing regulatory cooperation dialogue between the U.S. Environmental Protection Agency (EPA) and its counterparts in the European Commission and the European Chemicals Agency (ECHA), have proved useful. The Dialogue aims to facilitate improved risk reduction by sharing experiences and expertise in the sound management of chemicals while promoting regulatory best practices and information sharing on scientific, technical and related challenges among other issues of mutual interest. It meets periodically, usually on the margins of existing meetings, and may include other government agencies depending upon agenda topics and mutual agreement.

While productive discussions have occurred in earlier meetings 2007-8, most recently, these have continued in different international fora such as the OECD, and on the margins of international chemicals events such as the second International Conference on International Chemicals Management (ICCM2) and the Fourth Conference of the Parties to the Stockholm Convention, both held in May 2009. Notably, transatlantic chemicals management issues have converged in pursuit of a legally-binding instrument on mercury, with a global partnership to eliminate lead in paint and other outreach and collaboration on perfluorinated chemicals and nanomaterials, in addition to continued collaboration in these areas within the OECD.

Future discussion topics may include: development and implementation of respective regulatory regimes including recent developments in the United States on TSCA reform; EPA's existing chemicals management program; the use and application of computational tools; co-operation on assessment and risk management activities; emerging issues with manufactured nanomaterials; and the Globally Harmonized System of Classification and Labeling (GHS); among others.

December 2008

At the May 13, 2008 meeting of the TEC, the European Commission agreed to undertake the necessary steps, within its competence, to ensure transparent implementation, legal certainty and non-discriminatory trade under REACH. Also at the May 13, 2008 meeting, the European Commission committed to take concrete action to ensure that trade in cosmetics and personal care products is not disrupted by REACH implementation. The United States welcomed these commitments, and takes note of the European Commission's adoption of the *Commission communication on the enquiry and registration under Regulation (EC) No 1907/2006 (REACH) of substances that were lawfully on the market before 1 June 2008 but which do not have phase-in status* on December 9, 2008. The United States welcomed the assurances provided by the EU TEC co-chair that, within its competence, the European Commission is taking the necessary steps to fulfill the commitments referred to above. The United States also welcomed the EU TEC co-chair's assurances that the European Commission will work with Member States and the

European Chemicals Agency to ensure both that registrants will, working with ECHA, have adequate time to submit relevant information and that REACH is implemented in a manner that is transparent and non-discriminatory.

May 2008

The European Commission and the United States government have continued their bilateral cooperation on chemicals regulation. In addition they have cooperated in multilateral fora. In relation to the EU's Registration, Evaluation, and Authorization of Chemicals (REACH) regulation and its implementation, they agreed to continue their discussion of issues including the placing of products on the candidate list, the "Only Representative" provision, and openness and transparency in REACH Implementation Projects. The Commission acknowledges that REACH presents an unprecedented challenge both for European and third country producers and will therefore, within its competence, undertake the necessary steps to ensure transparent implementation, legal certainty and non-discriminatory trade.

November 2007

The European Commission and the United States have underlined their commitment to intensify cooperation on chemicals. They will undertake an analysis of the potential impact of regulations on transatlantic trade in chemicals and chemical products and of how any such impacts might be reduced while maintaining a high level of protection of health and the environment. They will also encourage steps to ensure the transparency of the implementation of regulatory regimes. Working through the U.S. Environmental Protection Agency and its European Commission counterparts, they will examine the means of increasing cooperation within the OECD with a view to accelerating work on key issues linked to regulation of chemical substances.